

Message

From: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Sent: 12/5/2019 1:52:08 PM
To: Goodin, John [Goodin.John@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]
CC: Kelly, Stephanie [kelly.stephanie@epa.gov]
Subject: FW: draft letters to FDEP and the Services re: assumption and ESA
Attachments: Non-Federal Designation State of Florida Draft Letter to FDEP - 12-4-19 .docx; Non-Federal Designation State of Florida Draft Letter to NMFS - 12-4-19 .docx

John, Brian, Mindy and Mike:

I wanted to let you all know that while there may be a few nit picks I might have changed (or weren't accepted in the group drafting) I am comfortable with how these letters read. It has been refocused to respond to incoming requests. It is also refocused on whether or not our approval is a discretionary action, not on interpreting the CWA and ESA.

I know there are some typos (e.g., Cc:) I will send that back to Tom. But other than the late evening typos I think these do generally capture the group's consensus and is something we can send up the chain for signature. Although we still need to figure out the timing. John, I hear rumor that Fatouhi may have spoken to Leigh (ORC) in R4 about the CEQ meeting.

Oh, and ran into Matt L. this am; he said WOTUS went over last night – congrats on that!

- Kathy

From: McGill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Wednesday, December 04, 2019 6:29 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Kelly, Stephanie <kelly.stephanie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: draft letters to FDEP and the Services re: assumption and ESA

*** attorney-client privilege / deliberative / do not release under FOIA ***

Attached are clean versions of the draft letters to FDEP and NMFS that I believe reflect consensus among the members of the Assumption Team. While the attachments are also intended to reflect comments from John, Brian and Jeaneanne, their comments were made on earlier drafts that didn't yet include all of the recommended language from our ESA experts.

As Mary Walker would like to see draft letters as soon as possible and discuss with OW/OGC leadership, I am requesting your review and any comments or suggested edits as soon as you can. To the extent possible, please share your feedback by 2:00pm tomorrow (Thu, Dec 5).

Thanks.

Tom